ORIGINAL

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FILED
2008 FEB 19 PM 2:01
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ________ DEPUTY

FAXED

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

B.I.P. CORPORATION, Plaintiff, vs. MITEC TELECOM, INC., AND DOES 1 TO 30, Defendant.	Case No. '08 CV 0313 H CAB Assigned for All Purposes to: **DECLARATION OF ROBERT THOMAS MITCHELL IN SUPPORT OF NOTICE OF REMOVAL**

Complaint Filed: January 18,2008
Trial Date: None Set

I, Robert Thomas Mitchell, declare as follows:

1. I am the Vice President, Global Marketing and Sales for Defendant Mitec Telecom Inc. ("Mitec"). I have worked for Mitec for the last 22 years. I have personal knowledge of the facts set forth in this Declaration. If called and sworn as a witness, I could and would competently testify to these facts.

2. As part of my duties as Vice President, Global Marketing and Sales, I manage all of Mitec's marketing and sales activities. In the course of managing these activities, I have had to attest to Mitec's corporate structure, its formation and principal place of business. As an essential part of my duties as an officer of Mitec and in order to provide information to customers and potential customers, I am intimately aware of Mitec's operations and the scope of its business.

3. As a result of my employment with Mitec, I have personal knowledge that Mitec is incorporated in Canada and maintains its principal place of business in Pointe-Claire, Quebec. The majority of Mitec's directors are based in Montreal and, save for one officer, all of Mitec's officers are officed in Pointe-Claire, as well as the entire finance and administration department, and the majority of Mitec's national operations occur in Canada. Based on my review of Mitec's internal records and files, I know that Mitec has over 150 employees in Canada, more than in any state of the United States of America. Mitec has no offices or employees in California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18 day of February 2008 in Pointe-Claire, Quebec.

Robert Thomas Mitchell

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

B.I.P. CORPORATION,

Plaintiff,

vs.

MITEC TELECOM, INC., AND DOES 1 TO 30,

Defendant.

Case No. '08 CV 0313 H CAB

Assigned for All Purposes to:

CERTIFICATE OF SERVICE

Complaint Filed: January 18,2008
Trial Date: None Set

CERTIFICATE OF SERVICE
(United States District Court)

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

On February 19, 2008, I served the foregoing document described as

1. **MITEC TELECOM, INC.'S NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. § 1441 (DIVERSITY JURISDICTION);**

2. **DECLARATION OF ROBERT THOMAS MITCHELL IN SUPPORT OF NOTICE OF REMOVAL**

3. **MITEC TELECOM, INC.'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. § 1441**

4. **CIVIL COVER SHEET**

5. **CERTIFICATE OF INTERESTED PARTIES**

on the following person(s) in the manner(s) indicated below:

SEE ATTACHED SERVICE LIST

[ ] (BY ELECTRONIC SERVICE) I am causing the document(s) to be served on the Filing User(s) through the Court's Electronic Filing System.

[X] (BY MAIL) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope, with postage fully prepaid, addressed as set forth herein, and such envelope was placed for collection and mailing at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

[ ] (BY OVERNIGHT SERVICE) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for delivery by overnight courier. Correspondence so collected and processed is deposited in a box or other facility regularly maintained by the overnight service provider the same day in the ordinary course of business. On this date, a copy of said document was placed in a

sealed envelope designated by the overnight service provider with delivery fees paid or provided for, addressed as set forth herein, and such envelope was placed for delivery by the overnight service provider at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

[ ] (BY FACSIMILE TRANSMISSION) On this date, at the time indicated on the transmittal sheet, I transmitted from a facsimile transmission machine, which telephone number is (949) 717-3100, the document described above and a copy of this declaration to the person, and at the facsimile transmission telephone numbers, set forth herein. The above-described transmission was reported as complete and without error by a properly issued transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission.

[ ] (BY E-MAIL) I transmitted the foregoing document(s) by e-mail to the addressee(s) at the e-mail address(s) indicated.

[X] (FEDERAL) I declare that I am employed in the offices of a member of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Certificate is executed on February 19, 2008, at Newport Beach, California.

Carrie Daly

Carrie Daly

SERVICE LIST

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